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 8 PRAKASH JANAKIRAMAN

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 NEXTDOOR.COM, INC., a Delaware
 14 corporation,

15 Plaintiff,

16 v.

17 RAJ ABHYANKER, an individual,

18 Defendant.

19 RAJ ABHYANKER, an individual,

20 Counterclaimant,

21 v.

22 NEXTDOOR.COM, INC., a Delaware
 23 corporation; PRAKASH JANAKIRAMAN, an
 individual; BENCHMARK CAPITAL
 24 PARTNERS VII, L.P., a Delaware limited
 partnership; BENCHMARK CAPITAL
 25 MANAGEMENT CO. VII LLC, a Delaware
 limited liability company; SANDEEP SOOD, an
 26 individual; MONSOON COMPANY, an
 unknown business entity, and DOES 1-50,
 27 inclusive,

28 Counterdefendants.

Case No.: 3:12-cv-05667-EMC

**DECLARATION OF
 JENNIFER L. KELLY IN SUPPORT
 OF NEXTDOOR.COM, INC. AND
 PRAKASH JANAKIRAMAN'S
 REQUEST FOR JUDICIAL NOTICE**

Date: May 2, 2013
 Time: 1:30 P.M.
 Judge: Honorable Edward M. Chen

1 I, Jennifer L. Kelly, declare:

2 1. I am an attorney admitted to practice before this Court and am a partner in the law
3 firm of Fenwick & West LLP, which represents Plaintiff and Counterdefendant Nextdoor.com,
4 Inc. ("Nextdoor.com") and Counterdefendant Prakash Janakiraman ("Janakiraman") (collectively
5 "Counterdefendants") in this action. I submit this declaration in support of Counterdefendants'
6 Request for Judicial Notice. I have personal knowledge of the matters set forth in this declaration
7 and, if called upon to do so, could and would testify competently as to the matters set forth herein.

8 2. Attached to Counterdefendants' Request for Judicial Notice as **Exhibit 1** is a true
9 and correct copy of Counterclaimant Raj Abhyanker's ("Abhyanker") November 22, 2006 public
10 patent application number 11/603,442 entitled Map Based Neighborhood Search and Community.
11 The application is publicly available from the United States Patent and Trademark Office's
12 website, located at www.uspto.gov.

13 3. Attached to Counterdefendants' Request for Judicial Notice as **Exhibit 2** is a true
14 and correct copy of the notice of recordation of Abhyanker's January 28, 2008 assignment of
15 United States Patent Application No. 11/603,442 to Fatdoor, Inc. This notice of recordation is
16 also publicly available from the United States Patent and Trademark Office's website.

17 4. I was counsel of record for Nextdoor.com in California Superior Court (Santa
18 Clara County), Case No. 1-11-cv-212924, entitled *Abhyanker v. Benchmark Capital Partners VII,*
19 *L.P. et al.* (the "State Court Action"). Attached as **Exhibit 3** to Counterdefendant's Request for
20 Judicial Notice is a true and correct copy of the Complaint filed by Abhyanker on November 10,
21 2011 in the State Court Action, which is publicly available from the California Superior Court.

22 5. Attached as **Exhibit 4** to Counterdefendant's Request for Judicial Notice is a true
23 and correct copy of the First Amended Complaint ("FAC") filed by Abhyanker on December 6,
24 2011 in the State Court Action, which is publicly available from the California Superior Court.

25 6. I was counsel of record for Nextdoor.com in United States Trademark Trial and
26 Appeal Board Opposition Nos. 91203462 and 91203762 filed by Abhyanker. Attached as
27 **Exhibit 5** to Counterdefendant's Request for Judicial Notice is a true and correct copy of
28 Abhyanker's Notice of Opposition to Nextdoor.com's application to register the NEXTDOOR

1 mark filed in the United States Trademark Trial and Appeal Board on January 10, 2012,
2 Opposition No. 91203462 (“First Opposition”), which is publicly available from the United States
3 Trademark Trial and Appeal Board.

4 7. Attached as **Exhibit 6** to Counterdefendant’s Request for Judicial Notice is a true
5 and correct copy of Abhyanker’s February 7, 2012 Request for Dismissal of the State Court
6 Action, which is publicly available from the California Superior Court.

7 8. Attached as **Exhibit 7** to Counterdefendant’s Request for Judicial Notice is a true
8 and correct copy of Abhyanker’s Notice of Opposition to Nextdoor.com’s application to register
9 the NEXTDOOR mark filed in the United States Trademark Trial and Appeal Board on February
10 9, 2012, Opposition No. 91203762 (“Second Opposition”), which is publicly available from the
11 United States Trademark Trial and Appeal Board.

12 9. On September 10, 2012, the Trademark Trial and Appeal Board issued an order
13 consolidating the First Opposition and Second Opposition into a single proceeding, with
14 Opposition No. 91203462 being designated as the “parent” case. On November 6, 2012, the
15 Trademark Trial and Appeal Board granted Nextdoor.com’s unopposed motion to suspend the
16 proceedings pending the determination of this action, which Nextdoor.com instituted in this Court
17 on November 5, 2012. A true and correct copy of this order is attached as **Exhibit 8** to
18 Counterdefendants’ Request for Judicial Notice.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is
20 true and correct and that this declaration was executed on March 15, 2013, in San Francisco,
21 California.

22 */s/ Jennifer L. Kelly*
23 _____
24 Jennifer L. Kelly
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